

Message Text

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ACTION NEA-10

INFO OCT-01 ISO-00 HA-05 L-03 H-01 PA-01 SS-15 NSC-05
/041 W

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R 031001Z AUG 78
FM AMEMBASSY KATHMANDU
TO SECSTATE WASHDC 2839

C O N F I D E N T I A L SECTION 1 OF 2 KATHMANDU 3990

E.O. 11652: GDS
TAGS: SHUM, NP
SUBJECT: JEFF LONG LETTER

REF: STATE 172438

1. WE SHARE DEPARTMENT'S VIEW THAT IT IS BETTER TO DISCLOSE THE CONTENTS OF THE JEFF LONG LETTER TO THE GON NOW, AND GIVE IT AN OPPORTUNITY TO COMMENT, THAN MERELY TO AWAIT FURTHER DEVELOPMENTS ELSEWHERE. THE AMBASSADOR THEREFORE PROVIDED THE GON A COPY OF THE ENCLOSURE TO LONG'S LETTER DEALING WITH NEPALESE JAILS, IDENTIFYING LONG AS THE AUTHOR. NOT TO HAVE DONE SO WOULD EVENTUALLY HAVE CALLED OUR GOOD FAITH INTO SERIOUS QUESTION.

2. AFTER ALLOWING TIME FOR THE DOCUMENT TO CIRCULATE, THE AMBASSADOR FOUND OCCASION TO RAISE THE MATTER INFORMALLY WITH PRIME MINISTER BISTA. THE PRIME MINISTER UNCHARACTERISTICALLY REACTED WITH ANGER TO THE LONG ACCUSATIONS. HE BLUNTLY CHARACTERIZED THEM AS A VINDICTIVE BETRAYAL OF THE GON, WHICH HAD BENT OVER BACKWARDS TO EFFECT LONG'S RELEASE FROM JAIL DESPITE WHAT THE GON REGARDS AS LONG'S PROVEN GUILT. IT WAS CLEAR THAT IN BISTA'S VIEW, THERE CAN BE NO QUESTION OF INVESTIGATING CHARGES FROM SUCH A QUESTIONABLE SOURCE.

3. A FEW DAYS LATER, THE AMBASSADOR WAS GIVEN A FORMAL
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APPOINTMENT WITH FOREIGN SECRETARY BHATT FOR MORE DETAILED DISCUSSION. THE AMBASSADOR BEGAN BY POINTING OUT THAT THE LONG DOCUMENT WAS A PUBLIC MATTER EVEN THOUGH IT HAD NOT AS YET RECEIVED PUBLICITY. ALTHOUGH HE RECOGNIZED THE SENSITIVITY OF THE GOVERNMENT OF NEPAL IN REGARD TO LONG, THE ALLEGATIONS COULD NOT SIMPLY BE IGNORED. SINCE THE EMBASSY HAD BEEN CALLED UPON TO SUPPLY WASHINGTON WITH COMMENTS ON LONG'S CHARGES, IT WOULD

BE HELPFUL TO HAVE THE GON'S VIEWS.

4. BHATT'S REACTION WAS CLEAR AND FORCEFUL. THE GON HAD NO INTENTION OF RESPONDING TO CHARGES BY LONG. HE FELT IF DIS-GRACEFUL THAT A GOVERNMENT THAT HAD PROVEN ITS HUMANITARIAN CREDENTIALS THROUGH THE RELEASE ON TWO OCCASIONS OF B.P. KOIRALA, AND MOST RECENTLY OF GANESH MAN SINGH, SHOULD BE CHALLENGED BY A MAN OF "BAD CHARACTER" LIKE LONG. BHATT NOTED THAT THE GOVERNMENT OF NEPAL HAD RELEASED LONG ON HUMANITARIAN GROUNDS AT US REQUEST ALTHOUGH THERE WAS NO QUESTION IN THE MIND OF THE GON ABOUT HIS GUILT OR HIS CHARACTER.

5. AS FOR THE POSSIBILITY THAT THE CHARGES MIGHT BE WIDELY PUBLICIZED, BHATT SAID THE GON WOULD CROSS THAT BRIDGE WHEN IT CAME TO IT. HE CONTINUED THAT NEPAL HAD CLEAR LAWS AND REGULATIONS GOVERNING TREATMENT OF PRISONERS. WHILE THESE RULES MIGHT BE BROKEN ON OCCASION, AS HAPPENED IN PRISONS IN NEW YORK

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C O N F I D E N T I A L SECTION 2 OF 2 KATHMANDU 3990

AND LONDON , NEPAL WAS A COUNTRY BASED ON LAW AND THE RULES WERE GENERALLY FOLLOWED . BHATT SAID THAT LONG'S CHARGES WERE LARGELY SECOND-HAND, AND REPEATED THAT SUCH ALLEGATIONS FROM SUCH A SOURCE DESERVED NO RESPONSE. HE EXPRESSED PERPLEXITY THAT THE US GOVERNMENT HAD RAISED THE MATTER.

6. THESE EXCHANGES MAKE IT CLEAR THAT THE GON, OUTRAGED BY WHAT IT REGARDS AS A LIBELOUS ATTACK BY A CONVICTED CRIMINAL WHOM IT STRETCHED THE LAW TO RELEASE, WILL NOT CONDUCT AN INVESTIGATION OF LONG'S CHARGES. THE EMBASSY HAS NO MEANS OF CONDUCTING AN INVESTIGATION OF ITS OWN, BUT OFFERS THE FOLLOWING COMMENTS ON THE LONG DOCUMENT ITSELF:

7. THE LONG REPORT APPEARS TO BE BASED ALMOST ENTIRELY ON HEARSAY OR INFERENCE, ALTHOUGH IT IS DRAFTED TO GIVE THE IMPRESSION OF SIGNIFICANT FIRST-HAND OBSERVATION. THE INCIDENTS HE ALLEGES COVER A PERIOD OF FOUR YEARS AND INVOLVE PRISONS LOCATED ALL OVER THE COUNTRY, OF WHICH THERE ARE 66.

IT MAY BE WORTH RECALLING THAT LONG TOLD US LAST SUMMER DURING A DEPRESSED MOMENT OF WHICH HE HAD MANY THAT HE WAS COLLECTING STORIES ABOUT JAIL CONDITIONS AND MISTREATMENT OF PRISONERS. HOWEVER, EVEN AT THE TIME HE ACKNOWLEDGED THAT MOST OF MATERIAL WAS AT BEST SECOND-HAND, OFTEN SEVERAL YEARS OLD AND THE KIND OF PRISON GOSSIP DISHED UP BY OLD TIMERS TO NEW PRISONERS LIKE LONG. LONG ACTUALLY SAYS HE SAW ONLY FOUR THINGS: SISNU LYING ON A PRISON FLOOR; BRUISES ON THE LEGS OF SOME PRISONERS; A BALD
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SPOT ON THE HEAD OF A PRISONER; JND OFFICIALS COMING AND GOING TO AND FROM A PRISON AT NIGHT. IT CANNOT BE SAID THAT HE HAS CONVINCINGLY DOCUMENTED HIS CHARGES, WHICH SEEM ALMOST ENTIRELY BASED UPON STORIES TOLD BY FELLOW PRISONERS.

8. THERE IS NOTHING INHERENTLY IMPLAUSIBLE ABOUT THE NOTION THAT GUARDS ABUSE PRISONERS, IN NEPALI JAILS AS ELSEWHERE IN THE WORLD. NEPALESE JAILS REFLECT THE SOCIETY AND THE ECONOMIC RESOURCES OF THE COUNTRY IN WHICH THEY ARE LOCATED. FROM TIME TO TIME, UNSATISFACTORY CONDITIONS OF THESE JAILS ARE CRITICIZED BY THE LOCAL PRESS. YET EVEN PROMINENT NEPALESE WHO HAVE BEEN JAILED AND WHO ARE KNOWN TO THE EMBASSY AS READY CRITICS OF THE GOVERNMENT DO NOT CONSIDER NEPALESE PRISON CONDITIONS A SOURCE OF GRIEVANCE. THEY ADD THAT WESTERNERS OF COURSE, WILL SEE THINGS DIFFERENTLY HAVING OTHER STANDARDS OF LIVING AND SANITATION. ONE PROMINENT NEPALESE WHO IS MEMBER OF AMNESTY INTERNATIONAL AND WAS IN THE SAME JAIL WITH LONG FOR SEVERAL WEEKS WAS PUZZLED BY LONG'S CHARGES. HE FOUND THEM SURPRISING GIVEN WHAT HE CONSIDERED THE HUMANE AND SPECIAL TREATMENT THAT LONG HAD BEEN ACCORDED.

9. WE CONCLUDE THAT:

- (1) HMG WILL NOT REPEAT NOT DIGNIFY LONG'S LETTER WITH A RESPONSE;
- (2) THE EMBASSY LACKS THE MEANS TO EVALUATE LONG'S COMMENTS ABOUT NEPALESE JAILS AND THE TREATMENT OF PRISONERS, MOST PARTICULARLY BECAUSE MANY OF HIS ACCUSATIONS ARE BASED ON HEARSAY OR CHARGES THAT ARE SEVERAL YEARS OLD;
- (3) PRISONS IN THIS VERY POOR COUNTRY WITH LIMITED RESOURCES HAVE UNSATISFACTORY CONDITIONS; IT IS ALSO PROBABLE THAT INMATES ARE ABUSED FROM TIME TO TIME IN SPITE OF RULES AGAINST THIS.
- (4) NEPALESE ARE GENERALLY TOLERANT PEOPLE, NOT BRUTAL AND NOT GIVEN TO REPRESSIVE MEASURES, ESPECIALLY TOWARDS FOREIGNERS WHO INVARIABLY ARE ACCORDED MORE FAVORABLE TREATMENT THAN CITIZENS OF THE COUNTRY. THE FACT THAT NO AMERICAN PRISONER TO OUR KNOW-
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LEDGE HAS COMPLAINED OF ABUSIVE TREATMENT MAKES IT MORE
DIFFICULT FOR THIS EMBASSY TO PURSUE THE MATTER WITH THE GON.
(5) GIVEN THESE CIRCUMSTANCES IF LONG OR ADDRESSEES OF HIS
LETTERS WISH TO PURSUE MATTER, AN ORGANIZATION LIKE AMNESTY
INTERNATIONAL, TO WHICH LONG HAS ALSO WRITTEN, MIGHT WELL BE
BEST VEHICLE TO LOOK INTO THE VALIDITY OF LONG'S CHARGES.
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